

FILED

United States District Court

AUG 31 2005

MIDDLE

DISTRICT OF

ALABAMA

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

SERGIO RIOS

CRIMINAL COMPLAINT

CASE NUMBER:

1:05mj 110-CSC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From on or about November 23, 2004, to present, in Houston county and elsewhere within the Middle District of Alabama and elsewhere defendant(s) did,
(Track Statutory Language of Offense)

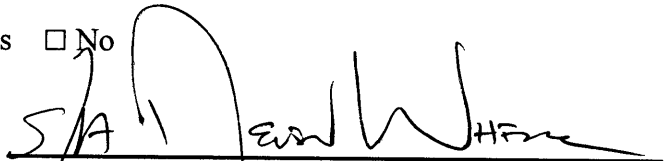
combine, conspire, and confederate with others known and unknown to possess with intent to distribute methamphetamine, a Schedule II Controlled Substance,

in violation of Title 21 United States Code, Section(s) 846 I further state that I am a(n)

Drug Enforcement Administration Special Agent and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

August 31, 2005

Date

at Montgomery, Alabama

City and State

Charles S. Coody, U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

1. On November 23, 2004, your affiant and S/A Bob Greenwood interviewed a confidential source (CS#1) regarding Sergio RIOS, A.K.A. JOSE. During the interview, CS#1 stated that he/she had purchased methamphetamine from Sergio RIOS for approximately two years. CS#1 further stated that he/she has purchased as much as one pound and as little as one ounce of methamphetamine from Sergio RIOS, A.K.A. JOSE on several occasions. CS#1 stated that on some occasions RIOS would deliver the methamphetamine to a location near CS#1's house and CS#1 would retrieve the drugs. In addition, CS#1 stated that he/she would meet RIOS at the Lowe's parking lot in Dothan, Alabama to conduct drug transactions.

2. On August 17, 2005, your affiant and Decatur County, Georgia Deputy Chip Nix interviewed a confidential source (CS#2) regarding Sergio RIOS. During the interview, CS#2 stated that he/she met Sergio RIOS in November of 2004. CS#2 further stated that he/she purchased four ounces of methamphetamine from Sergio RIOS approximately four or five time, eight ounces of methamphetamine

approximately five times and twelve ounces of methamphetamine approximately six or seven times.

3. On April 25, 2005, your affiant and other agents used an undercover agent from the Alabama Bureau of Investigation to make purchases 56.3 grams of methamphetamine from James Lindy ARGO. The methamphetamine purchased from James Lindy ARGO was sent to the Dallas Laboratory and tested positive for methamphetamine. This purchase was audio recorded by the undercover agent. During this purchase, James Lindy ARGO advised the undercover officer that he had been "dealing with Sergio" for sixteen years. ARGO stated that he sold fifty pounds of marijuana per month for sixteen months. ARGO stated that he stopped dealing with "Sergio" when "Sergio" went back to Mexico. ARGO stated that RIOS returned to the U.S. and they started dealing again. In addition, ARGO stated that "Sergio" does not sell weed (marijuana) anymore because it is too bulky and it smells. ARGO stated that since "Sergio" returned, he has only purchased cocaine and methamphetamine. ARGO stated that when he and "Sergio" talk on the telephone they use codes, if he states that he is going to buy some lumber, this means that they will meet at Home Depot, if he states that he is going to the store,

they will meet at Wal-Mart. In addition, ARGO stated that every Monday, he and "Sergio" meet on at a bridge on a dirt road. ARGO then asked, how many road blocks do you see at 8:00 a.m. on Monday morning.

4. On April 12, 2005, Federal District Judge W. Louis Sands of the Middle District of Georgia signed an order authorizing the interception of wire communication over (229) 400-5983. This cellular telephone is subscribed to by James ARGO at 1075 Old Pelham Road in Climax, Georgia. On April 17, 2005, at approximately 8:27 p.m., CST, TFA Steven Brock monitored an incoming telephone call (call #106) from telephone number 334-806-4338. This is an Alltel cellular telephone that is subscribed to by Victor SOTO at 1460 Highway 27, South in Enterprise, Alabama. This cellular telephone is used by Sergio RIOS. During the conversation, Sergio RIOS was attempting to talk with James ARGO. Further, ARGO states to Sergio RIOS that his truck is messing up, over heating. ARGO stated that he thought it (his truck) could make it to Wal-Mart. ARGO then stated

that he would call him (Sergio RIOS) from his home telephone.¹

5. On April 17, 2005, at approximately 8:29 p.m., CST, TFA Steven Brock monitored an outgoing telephone call (#107) from the target telephone to cellular telephone number 334-806-4338 (Victor SOTO). During the conversation, ARGO states to Sergio RIOS that he is having truck problems and they talk about meeting at Wal-Mart. ARGO then states, give me a few minutes, I need to see a guy and pick up some shrimp.²

6. On April 17, 2005, at approximately 9:36 p.m., CST, TFA Steven Brock monitored an incoming telephone call (#108) to the target telephone from cellular telephone number 334-806-4338 (Victor SOTO). During the

¹ Agents believe that the phrase "I am having problems with my truck, my truck is over heating," is code word that indicates ARGO wants to meet with RIOS, likely to conduct a drug transaction.

² Agents believe "pick up some shrimp," is a code phrase for picking up drug proceeds.

conversation, Sergio RIOS asked, you are not here yet and ARGO states, I am about fifteen minutes away.

7. On April 17, 2005, following the interception of call #106, S/A Devin Whittle and TFA Steven Brock contacted S/A Bob Greenwood via radio and advised him of the possibility that James ARGO would be meeting with a Hispanic Male at the Wal-Mart in Bainbridge, Georgia. S/A Greenwood was in route to Bainbridge, Georgia at that time. On April 17, 2005, at approximately 9:50 p.m., CST, S/A Greenwood advised S/A Whittle via radio that he had arrived in the parking lot at the Wal-Mart in Bainbridge, Georgia. S/A Greenwood advised that he observed a Hispanic male, whom he positively identified as Sergio RIOS, exit a Red Ford pick up truck and enter the 1999, Red Chevrolet Silverado pick up truck registered to James ARGO. S/A Greenwood advised that the trucks were parked in what he believed to be the South end of the Wal-Mart parking lot near a fence.³

³ On March 30, 2005, S/A Devin Whittle, S/A Bob Greenwood and TFA Charles Odom ate lunch at the Fiesta Mexican Restaurant located at 202 West 3rd Street in Donaldsonville, Georgia. While at the restaurant, agents Whittle, Greenwood and Odom

8. On April 17, 2005, at approximately 10:11 p.m., CST, S/A Greenwood advised S/A Whittle via radio that he observed both James ARGO and Sergio RIOS exit ARGO's truck and walk to the front of the Wal-Mart. S/A Greenwood advised that ARGO patted RIOS on the back and entered the Wal-Mart. S/A Greenwood further advised that he observed RIOS walk across the parking lot and enter the Red Ford pick-up truck. S/A Greenwood used a video camera to document his observations. In addition, on a later date, S/A Greenwood and Deputy Chip Nix made contact with the security department at Wal-Mart to determine if Wal-Mart cameras captured images of the above described meeting between ARGO and RIOS. S/A Greenwood determined that the cameras did capture images of the meeting and S/A Greenwood obtained copies of those images on two standard VHS video tapes.

9. On April 18, 2005, at approximately 11:03 p.m., CST, S/A Bob Greenwood advised S/A Devin Whittle via radio

observed Sergio RIOS setting at a table in the back of the restaurant. The investigation into Sergio RIOS has revealed that he and his family own and manage that Fiesta Mexican Restaurant.

that he has observed the Red Ford pick up truck that Sergio RIOS was observed in at the Wal-Mart parking lot in Bainbridge, GA. S/A Greenwood further advised that the vehicle was located at a trailer at 5545 Sheffield Road in Donaldsonville, Georgia.⁴

10. Based on your affiant's training and experience as well as his knowledge of this investigation, I believe that James Lindy ARGO met with Sergio RIOS at the Wal-Mart in Bainbridge, Georgia and gave RIOS drug proceeds from the sell of methamphetamine. Further, you affiant believes that Sergio RIOS then transported the drug proceeds to 5545 Sheffield Road in Donaldsonville, Georgia.

⁴ Agents previously identified the trailer at this location while conducting surveillance on Jose RODRIGUEZ-RIOS, Sergio RIOS's son. The trailer is located in a curve directly across from a school. In addition, agents have determined via Georgia Power records that Aurora RODRIGUEZ has the power listed in her name at 5545 Sheffield Road in Donaldsonville, Georgia. Your affiant's investigation had revealed the fact that Aurora RODRIGUEZ is the wife of Sergio RIOS.